

**ANNUAL TOWN MEETING**  
**FISCAL YEAR**  
**JULY 1, 2009 to JUNE 30, 2010**  
**COMMONWEALTH OF MASSACHUSETTS**

Berkshire, ss:

To either of the Constables of the Town of Williamstown, in the County of Berkshire.

**GREETING:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Williamstown qualified to vote in elections and Town affairs to meet at Williamstown Elementary School, 115 Church Street in said Williamstown

TUESDAY, THE TWELVETH DAY OF MAY 2009 at SEVEN O'CLOCK A.M. for the following purpose:

To bring their votes to the election of officers for the election of all Town Officers

The polls will be opened at 7:00 o'clock A.M. and will close at 8:00 o'clock P.M.

And furthermore to meet at Williamstown Elementary School, 115 Church Street, on TUESDAY, THE NINETEENTH DAY OF MAY 2009 AT SEVEN O'CLOCK P.M. for the following purpose:

To act on all Articles of this warrant, except Article 1, which has been acted upon at the above meeting for the election of officers.

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**ELECTION OF TOWN OFFICERS**

**Article 1.** To choose one Selectman for a three year term; two Elementary School Committee (K-6) Members for three year terms; one Library Trustee for a three year term; one Library Trustee for a one year term; one Northern Berkshire Vocational Regional School Committee member for a three year term; one Housing Authority member for a five year term; and one Planning Board member for a five year term.

*The election occurs on May 12, after this document goes to press. Election results are posted on the town web site [www.williamstown.net](http://www.williamstown.net).*

Proceeding: Moderator Stan Parese opened the 2009 Annual town Meeting at 7:00PM in the gymnasium of the Williamstown Elementary School. He thanked Williams College, the Department of Public Works and the Williams Inn for their assistance in setting up Town Meeting. Two hundred and forty one (241) registered voters checked in for the meeting.

Jane Allen represented the Board of Selectmen as Chair and K. Elaine Neely represented the Finance Committee as Chair.

The Chairman of the Board of Selectmen read the names of residents serving on town committees and boards whose terms are expiring.

The Moderator announced the recipients of the following awards.

Williamstown Community Chest Volunteer Award – Lisa Hiley

Williamstown League of Womens Town Employee Award – Brian O'Grady – Director of the Council on Aging.

Faith Scarborough Award – Stephen G. Crowe, President of Mountain One (Williamstown Savings Bank)

## **REPORTS OF TOWN COMMITTEES**

**Article 2.** To see if the Town will vote to accept the reports of the Board of Selectmen, the Town Manager, and all other officers and committees and act thereon.

Proceeding: The Chairman of the Board of Selectmen moved, and it was seconded, the Town vote to adopt Article 2.

There being no discussion, the Moderator declared Article 2 carried by unanimous voice vote.

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## **TO APPROPRIATE FREE CASH TO LOWER THE TAX RATE**

**Article 3.** To see if the Town will vote to transfer the sum of **\$440,611** from the General Fund Unreserved Fund Balance to reduce the tax rate, or take any other action in relation thereto.

**The Finance Committee unanimously recommends that the Town vote to appropriate the sum of \$440,611 from the General Fund Unreserved Fund Balance.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*The Town customarily applies all of the excess receipts and unused appropriations as of the end of the previous fiscal year (Unreserved Fund Balance or "Free Cash") to lower the f*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to appropriate the sum of \$440,611 from the General Fund Unreserved Fund Balance to be used to reduce the tax rate.

There being no discussion, the Moderator declared Article 3 carried by unanimous voice vote.

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## **WILLIAMSTOWN ELEMENTARY SCHOOL CIRCUIT BREAKER FUNDS**

**Article 4.** To see if the Town will vote to transfer the sum of **\$114,267** from the General Fund Unreserved Fund Balance to the Williamstown Elementary School for Circuit Breaker Special Education expenses, or take any other action relative thereto.

**The Finance Committee unanimously recommends the adoption of this article.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*This article returns circuit breaker special education funds unspent at the end of FY08 to the elementary school.*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to transfer the sum of \$114, 267 from the General Fund Unreserved Fund Balance to the Williamstown Elementary School for Circuit Breaker Special Education expenses.

There being no discussion, the Moderator declared Article 4 carried by unanimous voice vote.

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## **APPROPRIATION FOR DEBT SERVICE**

**Article 5.** To see if the Town will vote to raise and appropriate or appropriate from available funds in the treasury, the sum of **\$521,907** or any other sum, to pay interest and maturing debt, or take any other action in relation thereto:

<u>Purpose</u>	<u>Year Borrowed</u>	<u>Years Remaining</u>	<u>Initial Principal</u>	<u>2010 Interest and Principal</u>
DPW Garage	1997	8	\$ 1,800,000	\$ 132,323
Landfill Engineering	1997	2	\$ 50,000	\$ 3,239
Landfill Closure	1997	7	\$ 215,000	\$ 16,693
Burbank Chapel Repair	2001	10	\$ 132,800	\$ 11,007
Landfill Closure	2005	12	\$ 150,000	\$ 14,350
Elementary School	2005	16	\$ 4,200,000	\$ 344,295
				<u>\$ 521,907</u>

*The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$510,900 from taxation and that \$11,007 be appropriated from the Sherman Burbank Memorial Fund.*

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*Each of the above items is a bond issue which the Town has committed to repay over the number of years remaining as indicated.*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded the Town vote to raise and appropriate the sum of \$360,900 from taxation, \$150,000 from the Stabilization Fund, and that \$11,007 be appropriated from the Sherman Burbank Memorial Fund to pay interest and maturing debt.

There being no discussion, the Moderator declared Article 5 carried by unanimous voice vote.

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**GENERAL GOVERNMENT**

**Article 6.** To see if the Town will vote to raise and appropriate or appropriate from available funds in the treasury, the sum of **\$6,126,738** or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the several Town Departments, namely:

	<u>Fiscal Year 2009</u>	<u>Fiscal Year 2010</u>
Executive	\$242,353	\$250,315
Administration & Finance	\$1,609,828	\$1,646,492
Inspection Services	\$343,415	\$348,635
Public Safety	\$1,211,956	\$1,238,461
Public Works	\$1,904,501	\$1,921,033
Human Services	\$718,786	\$721,802
	<u>\$6,030,839</u>	<u>\$6,126,738</u>

*The General Government budget is a 1.6% increase over the current year.*

**The Finance Committee unanimously recommends the Town vote to raise and appropriate \$5,912,148 from taxation; that \$117,081 be appropriated from Estimated Water Receipts; that \$82,219 be appropriated from Estimated Sewer Receipts; that \$9,000 be appropriated from Cemetery Perpetual Care Trust Fund; and that \$6,290 be appropriated from the Sherman Burbank Memorial Trust.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate \$5,912,148 from taxation; that \$117,081 be appropriated from Estimated Water Receipts; that \$82,219 be appropriated from Estimated Sewer Receipts; that \$9,000 be appropriated from Cemetery Perpetual Care Trust Fund; and that \$6,290 be appropriated from the Sherman Burbank Memorial Trust.

There being no discussion, the Moderator declared Article 6 carried by unanimous voice vote.

General Government Detail

	Fiscal Year <u>2009</u>	Fiscal Year <u>2010</u>
<b>EXECUTIVE</b>		
Selectmen	\$6,551	\$6,583
Town Manager	\$219,167	\$221,927
Town Counsel	\$14,830	\$20,000
Emergency Management	\$1,805	\$1,805
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	\$242,353	\$250,315
<b>ADMINISTRATION &amp; FINANCE</b>		
Insurance	\$152,650	\$122,650
Finance Committee	\$728	\$732
Finance Director	\$231,025	\$220,955
Assessors	\$102,673	\$110,535
Treasurer-Collector	\$162,710	\$163,572
Data Processing	\$21,924	\$22,957
Town Clerk	\$73,368	\$76,215
Registrars of Voters	\$17,627	\$15,627
Employee Benefits	\$847,123	\$913,249
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	\$1,609,828	\$1,646,492
<b>INSPECTION SERVICES</b>		
Building Inspector	\$256,478	\$259,151
Health Inspector	\$75,932	\$76,745
Conservation Commission	\$2,816	\$2,830
Planning Board	\$2,065	\$2,185
Zoning Board of Appeals	\$2,500	\$3,900
Historical Commission	\$400	\$500
Sealer of Weights	\$3,224	\$3,324
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	\$343,415	\$348,635
<b>PUBLIC SAFETY</b>		
Police Department	\$985,133	\$1,008,587
Dispatch Services	\$193,914	\$197,252
Animal Control Officer	\$26,982	\$26,695
Forest Warden	\$5,927	\$5,927
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	\$1,211,956	\$1,238,461
<b>PUBLIC WORKS</b>		
DPW Director	\$144,195	\$145,075
Highway Department	\$1,134,163	\$1,118,048
Snow and Ice	\$145,261	\$163,308
Parks and Cemetery	\$247,700	\$248,240
Facilities Management	\$171,383	\$184,012
Burbank Chapel	\$6,320	\$6,290
Recreation	\$14,279	\$14,201
Forestry Department	\$41,200	\$41,859
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	\$1,904,501	\$1,921,033
<b>HUMAN SERVICES</b>		
Council on Aging	\$213,389	\$213,039
Veterans' Services	\$38,100	\$39,100
Library	\$464,207	\$466,573
Veterans' Graves & Holidays	\$3,090	\$3,090
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	\$718,786	\$721,802

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**CAPITAL IMPROVEMENT PROGRAM**

**Article 7.** To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$940,596** or any other sum, for the following Capital Projects:

<u>Item</u>	<u>Dept</u>	<u>Amount</u>
Property Appraisal System Upgrade	Assessors	\$ 36,000
DPW Facility Photovoltaic System	Public Works	\$ 65,000
Adams Road Resurfacing	Highway	\$ 104,000
Water Street Sidewalk Replacement	Highway	\$ 88,596
Replace 1997 Street Sweeper	Highway	\$ 152,000
Water Street Sewer Replacement	Sewer	\$ 45,000
Main Street Water Main Construction	Water	\$ 450,000
		<u>\$ 940,596</u>

**The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$445,596 from taxation, that \$125,343 be raised and appropriated from Estimated Water Receipts, that \$324,657 be appropriated from Water Fund Unreserved Fund Balance and that \$45,000 be raised and appropriated from Estimated Sewer Receipts.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

Proceeding: The Chairman of the Finance Committee moved and it was seconded, the Town vote to raise and appropriate the sum of \$445,596 from Taxation; that \$ 125,343 be raised and appropriated from Estimated Water Receipts; that \$324,657 be raised and appropriated from Water Fund Unreserved Fund Balance and that \$45,000 be raised and appropriated from Estimated Sewer Receipts to pay for the Capital Projects as listed in the warrant .

There being no discussion, the Moderator declared Article 7 carried by unanimous voice vote.

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**LOCAL PUBLIC SCHOOLS (GRADES K-6)**

**Article 8.** To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$5,261,543** or any other sum, to pay interest and maturing debt, and to pay charges, expenses and outlays of the School Department for the ensuing year or take any other action in relation thereto.

**The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$5,261,543 from taxation.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*The Elementary School appropriation is a 1.6% increase over the current year.*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate the sum of \$5,261,543 from taxation to pay charges, expenses and outlays of the School Department.

Fred Leber, expressed concerns about the cuts made to create the budget, and felt there were other options that could have been pursued.

There be no further discussion, the Moderator declared Article 8 carried by majority voice vote.

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**NORTHERN BERKSHIRE VOCATIONAL REGIONAL SCHOOL DISTRICT**

**Article 9.** To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$254,933** or any other sum, being Williamstown’s share

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of the Northern Berkshire Vocational Regional School District 2009-2010 fiscal budget,  
or take any other action in relation thereto.

**The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$254,933 from taxation.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

Note: This is an Omnibus Budget, i.e. Town Meeting may vote only the total amount.

	Fiscal Year <u>2009</u>	Fiscal Year <u>2010</u>
Minimum Contribution	\$231,128	\$210,494
Transportation Assessment	\$7,030	\$1,258
Capital Assessment	\$40,234	\$43,181
	<u>\$278,392</u>	<u>\$254,933</u>

*The NBVRSD assessment to Williamstown is an 8.4% decrease from the current year.*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate the sum of \$254,933 from taxation to pay Williamstown’s share of the Northern Berkshire Vocational Regional School District 2009-2010 budget.

There being no discussion, the Moderator declared Article 9 carried by unanimous voice vote.

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**MOUNT GREYLOCK REGIONAL SCHOOL DISTRICT**

**Article 10.** To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$4,413,109** or any other sum, being Williamstown’s share of the Mount Greylock Regional School District 2009-2010 fiscal budget, or take any other action in relation thereto.

**The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$4,413,109 from taxation.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*The MGRSD assessment to Williamstown is a 1.9% decrease from the current year. The FY10 assessment to Lanesborough is \$2,292,020 - a 6.2% increase over this year. The total proposed budget is \$9,906,744 – a 0.3% decrease from the current year.*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate the sum of \$4,413,109 from taxation, being Williamstown’s share of the Mount Greylock Regional School District 2009-2010 fiscal budget.

There being no discussion, the Moderator declared Article 10 carried by unanimous voice vote.

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**FINANCE COMMITTEE RESERVE FUND**

**Article 11.** To see if the Town will vote to raise and appropriate the sum of **\$75,000** for the Finance Committee Reserve Fund, or take any other action in relation thereto.

**The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$75,000 for the Finance Committee Reserve Fund.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*The Reserve Fund is established under G.L. c. 40 § 6 to provide for extraordinary or unforeseen expenditures authorized by the Finance Committee.*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise appropriate the sum of the \$75,000 from the Finance Committee Reserve Fund.

There being no discussion, the Moderator declared Article 11 carried by unanimous voice vote.

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### **WILLIAMSTOWN CHAMBER OF COMMERCE**

**Article 12.** To see if the Town will vote to raise and appropriate the sum of **\$24,516** for the Williamstown Chamber of Commerce to promote tourism, or take any other action in relation thereto.

**The Finance Committee unanimously recommends that the Town vote to raise and appropriate the sum of \$24,516 for the Williamstown Chamber of Commerce.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*The appropriation for the Chamber of Commerce to promote tourism is 10% of the Room Occupancy Excise Tax collected during calendar year 2008. This is \$219 less than last year.*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate the sum of \$24,516 for the Williamstown Chamber of Commerce to promote tourism.

There being no discussion, the Moderator declared Article 12 carried by majority voice vote.

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### **WILLIAMSTOWN YOUTH CENTER**

**Article 13.** To see if the Town will vote to raise and appropriate the sum of **\$64,128** for the Williamstown Youth Center to provide youth recreation services, or take any other action in relation thereto.

**The Finance Committee unanimously recommends the Town vote to raise and appropriate the sum of \$64,128 to support the Williamstown Youth Center.**

**The Board of Selectmen recommends the adoption of this article by a vote of 3-0-1.**

*The Youth Center appropriation is a 1.6% increase over the current year.*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate the sum of \$64,128 to support the Williamstown Youth Center to provide youth recreation services.

There being no discussion, the Moderator declared Article 13 carried by unanimous voice vote.

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### **A YOUTH CENTER AT THE ELEMENTARY SCHOOL**

**Article 14.** To see if the town will vote to transfer from the School Committee the care, custody and control of a portion of the land shown as Assessors' parcel 119-88, located at 53-125 Church Street, to the School Committee for the purpose of sale, lease or other transfer; and further, to authorize the School Committee, acting in accordance with Massachusetts General Laws, to convey said property by sale, lease, or other means for the purpose of constructing a youth center, or take any other action relative thereto.

This article requires a 2/3 majority vote to pass.

**The Finance Committee unanimously recommends the adoption of this article.**

**The Board of Selectmen recommends the adoption of this article by a vote of 3-0-1.**

*This article will authorize the school committee to collaborate for the construction of a new youth center on elementary school property.*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to adopt Article 14.

Following a short discussion, the Moderator declared Article 14 carried by majority voice vote.

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### **PUBLIC LIBRARY REVOLVING FUND**

**Article 15.** To see if the Town will vote pursuant to G.L. c. 44 § 53E½, to authorize the use of a revolving fund for the purpose of purchasing library supplies, services and equipment, which fund shall be credited with receipts from all fees and fines collected under the authority and direction of the Library Trustees, such expenditures not to exceed Twenty-Five Thousand (\$25,000) Dollars, or take any other action in relation thereto.

**The Finance Committee unanimously recommends the adoption of this article.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*The Library Revolving Fund allows the Board of Library Trustees to collect fines, copy machine fees, room rental fees, and other miscellaneous income and to spend those funds on library expenses without further appropriation.*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to adopt Article 15.

There being no discussion, the Moderator declared Article 15 carried by unanimous voice vote.

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### **SEWER DEPARTMENT**

**Article 16.** To see if the Town will vote to appropriate from Estimated Sewer Receipts the sum of **\$1,106,988** or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the Sewer Department, or take any other action in relation thereto.

**The Finance Committee unanimously recommends the Town vote to appropriate the sum of \$1,106,988 from Estimated Sewer Receipts.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*The Sewer Department is an Enterprise Fund. All expenses related to the operation of the department are paid by user fees rather than taxation. The sewer rate next year will be \$4.92 per 100 cubic feet, a decrease of 3.1% from \$5.08.*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to appropriate the sum of \$1,066,988 from Estimated Sewer Receipts and \$40,000 from Sewer Fund Unreserved Fund Balance to pay interest and maturing debt and for charges, expenses and outlays of the Sewer Department.

There being no discussion, the Moderator declared Article 16 carried by unanimous voice vote.

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### **WATER DEPARTMENT**

**Article 17.** To see if the Town will vote to appropriate from Estimated Water Receipts the sum of **\$860,060** or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the Water Department, or take any other action in relation thereto.



**The Finance Committee unanimously recommends the Town vote to appropriate the sum of \$860,060 from Estimated Water Receipts.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*The Water Department is an Enterprise Fund. All expenses related to the operation of the department are paid by user fees rather than taxation. The water rate next year will be \$3.37 per 100 cubic feet, an increase of 3.2% from \$3.26.*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to appropriate the sum of \$830,060 from Estimated Water Receipts and \$30,000 from Water Fund Unreserved Fund Balance to pay interest and maturing debt, and for charges, expenses and outlays of the Water Department.

There being no discussion, the Moderator declared Article 17 carried by unanimous voice vote.

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## WATER RATE

**Article 18.** To see if the Town will, in accordance with § 7, Chapter 606 of the Acts and Resolves of 1941, vote to approve a municipal water rate of **\$3.37** per 100 cubic feet of water as fixed by the Board of Selectmen at their meeting of April 13, 2009 to be effective July 1, 2009, or take any other action in relation thereto.

**The Finance Committee unanimously recommends the Town vote to approve a municipal water rate of \$3.37 per 100 cubic feet.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

Proceeding: The Chairman of the Board of Selectmen moved, and it was seconded, the Town vote to approve a municipal water rate of \$3.37 per 100 cubic feet.

There being no discussion, the Moderator declared Article 18 carried by unanimous voice vote.

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## TO REPLACE WELL #1

**Article 19.** To see if the Town will vote to appropriate the sum of **\$892,000** to replace Well #1 and to authorize the Treasurer, with the approval of the Selectmen, to borrow said sum in accordance with M.G.L. Chapter 44, Section 8(5) to be repaid from water enterprise fund receipts, or take any other action relative thereto.

This article requires a 2/3 majority vote to pass.

**The Finance Committee unanimously recommends the adoption of this article.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*Williamstown is supported by three drinking water wells, one of which has failed. It is necessary to replace this 1959 well to adequately supply the town.*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to appropriate the sum of \$892,000 to replace Well #1 and to authorize the Treasurer with the approval of the Selectmen, to borrow said sum in accordance with M.G.L., Chapter 44, Section 8(5) to be repaid from water enterprise fund receipts.

There being no discussion, the Moderator declared Article 19 carried by unanimous voice vote.

## TRANSFER STATION DEPARTMENT

**Article 20.** To see if the Town will vote to appropriate from Estimated Transfer Station Receipts or other available funds the sum of **\$188,722** or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the Transfer Station Department, or take any other action in relation thereto.

**The Finance Committee unanimously recommends the Town vote to appropriate the sum of \$168,722 from Estimated Transfer Station Receipts and \$20,000 from Transfer Station Unreserved Fund Balance.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*The Transfer Station Department is an Enterprise Fund. All expenses related to the operation of the department are paid by user fees rather than taxation. Budget includes no increase in the sticker fee (\$75) or the price of bags (\$2.50 and \$1.25).*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to appropriate the sum of \$168,722 from Estimated Transfer Station Receipts and \$20,000 from the Transfer Station Unreserved Fund Balance to pay interest and maturing debt, and for charges, expenses and outlays of the Transfer Station Department.

There being no discussion, the Moderator declared Article 20 carried by unanimous voice vote.

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## CHAPTER 90 HIGHWAY FUNDS

**Article 21.** To see if the Town will vote to raise and appropriate from Chapter 90 funds that are, or may become, available to the Town during the fiscal year for Capital Projects, and to authorize the Treasurer to borrow such amounts in anticipation of reimbursement by the Commonwealth, or take any other action in relation thereto.

**The Finance Committee unanimously recommends the adoption of this article.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*Chapter 90 funds are those monies distributed by the State for highway projects. One requirement of the Chapter 90 program is that the Town spend the money before it receives it. Since the Town cannot spend money it does not have, this article authorizes the Treasurer to borrow money in anticipation of receiving the Chapter 90 reimbursement from the Commonwealth.*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to adopt Article 21.

There being no discussion, the Moderator declared Article 21 carried by unanimous voice vote.

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## COMMUNITY PRESERVATION – COMMUNITY HOUSING

**Article 22.** To see if the Town will vote to appropriate and transfer from the Community Preservation Fund for the purpose of creating and supporting community housing the sum of Four Hundred Thousand Dollars (**\$400,000**) to fund a grant to Church Corner, LLC to be used for the construction of no less than eight (8) units of deed restricted affordable housing at land located at 201-207 Cole Avenue and shown as Assessors Parcel 119-94, and to authorize the Board of Selectmen to enter into a grant agreement with Church Corner, LLC outlining the purposes for and the conditions upon which these funds may be expended, and to authorize the Board of Selectmen or its designees to accept one or more deed restrictions on said property meeting the requirements of G. L. c. 184 § 31, or take any other action in relation thereto.

**The Finance Committee recommends the adoption of this article by a vote of 6-2-1.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*This article provides \$400,000 for the conversion of St. Raphael's Church and rectory to affordable housing in addition to the \$800,000 voted last year. These funds come from the Community Preservation Fund. No additional taxes are levied by this article.*

Proceeding: Jefferson Strait of the Community Preservation Committee moved, and it was seconded, the Town vote to appropriate and transfer from the Community Preservation Fund for the purpose of creating and supporting community housing the sum of \$400,000 to fund a grant to Church Corner, LLC to be used for the construction of no less than eight (8) units of deed restricted affordable housing at land located at 201-207 Cole Avenue and shown as Assessors Parcel 119-94, and to authorize the Board of Selectmen to enter into a grant agreement with Church Corner, LLC outlining the purposes for and the conditions upon which these funds may be expended, and to authorize the Board of Selectmen or its designees to accept one or more deed restrictions on said property meeting the requirements of G. L. c. 184 § 31.

Following a short discussion, the Moderator declared Article 22 carried by majority voice vote.

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## **COMMUNITY PRESERVATION – PRESERVATION OF HISTORIC RESOURCES**

**Article 23.** To see if the Town will vote to appropriate from the Community Preservation Fund unreserved balance the sum of One Hundred Sixty Seven Thousand Five Hundred Thirty Nine Dollars (**\$167,539**) to fund a grant to 160 Water, LLC to be used for the purpose of preservation of historic resources for the preservation of the historic buildings at land known as Cable Mills located at 160 Water Street and shown as Assessors Parcel 121-91 under the terms of the grant agreement with 160 Water, LLC dated August 27, 2007 outlining the purposes for and the conditions upon which these funds may be expended, or take any other action in relation thereto.

**The Finance Committee unanimously recommends the adoption of this article.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*This article provides an advance from CPA cash reserves against the \$1,525,000 borrowing unanimously approved at the 2007 annual town meeting. 160 Water LLC is required to match these funds. No additional taxes are levied by this article.*

Proceeding: Ann McCallum of the Community Preservation Committee moved, and it was seconded, the Town vote to appropriate from the Community Preservation Fund unreserved balance the sum of **\$167,539** to fund a grant to 160 Water, LLC to be used for the purpose of preservation of historic resources for the preservation of the historic buildings at land known as Cable Mills located at 160 Water Street and shown as Assessor's Parcel 121-91 under the terms of the grant agreement with 160 Water, LLC dated August 27, 2007 outlining the purposes for and the conditions upon which these funds may be expended.

There being no discussion, the Moderator declared Article 23 carried by unanimous voice vote.

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## **COMMUNITY PRESERVATION ACT – OPEN SPACE and EXPENSES FY10**

**Article 24.** To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation budget, and to appropriate from the Community Preservation Fund estimated annual revenues the sum of **\$10,000** to meet the administrative expenses of the Community Preservation Committee for Fiscal Year 2010, and further to reserve for future appropriation the sum of **\$32,000** for open space purposes, or take any other action in relation thereto.

**The Finance Committee unanimously recommends the adoption of this article.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*This article funds the operating expenses of the Community Preservation Committee, and appropriates the 10% minimum amount required for open space. No additional taxes are levied by this article.*

Proceeding: Ann McCallum, of the Community Preservation Committee moved and it was seconded, the Town vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2010 Community Preservation budget and to appropriate from the Community Preservation Fund Fiscal Year estimated annual revenues the sum of \$10,000 to meet the administrative expenses of the Community Preservation Committee for Fiscal Year 2010, and further to reserve for future appropriation the sum of \$32,000 for open space purposes

There being no discussion, the Moderator declared Article 24 carried by unanimous voice vote.

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### **COMMUNITY PRESERVATION – COMMITTEE MEMBERSHIP**

**Article 25.** To see if the Town will vote to amend Section 22-1 A. of the Code of Williamstown establishing the Community Preservation Committee by deleting “(7) One member of the Economic Development Committee as designated by the Committee” and re-numbering subsections (8) and (9) accordingly, or take any other action in relation thereto.

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*The authorized purposes of the Community Preservation Act include the preservation of open space, the preservation of historic resources, and the creation of community housing. Economic development is not a purpose of the Community Preservation Act. This article reduces the committee membership from nine to eight.*

Proceeding: Jefferson Strait of the Community Preservation Committee moved, and it was seconded, the Town vote to adopt Article 25.

There being no discussion, the Moderator declared Article 25 carried by unanimous voice vote.

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### **ACCEPTANCE OF CHAPTER 41, SECTION 100G ¼ PAYMENT OF FUNERAL EXPENSES OF POLICE & FIREFIGHTERS KILLED IN LINE OF DUTY**

**Article 26.** To see if the Town will vote to accept the provisions of G. L. c. 41 § 100G ¼ requiring the town to pay the reasonable expense, not exceeding \$15,000, of the funeral and burial of any firefighter while in the performance of his duty and as a result of an accident while responding to or returning from an alarm or fire or any emergency or as the result of an accident involving a fire department vehicle, which the firefighter is operating or in which he is riding or while at the scene of a fire or any emergency is killed or sustains injuries which result in his death, or of any police officer who while in the performance of his duty and as the result of an assault on his person, or a result of an accident while responding to an emergency while in the performance of his official duty or as result of an accident involving a police department vehicle which he is operating or in which he is riding is killed or sustains injuries which result in his death. No payment shall be made under this section in the absence of adequate documentation that such expense has actually been incurred. The provisions of this section shall become effective when accepted by the town, or take any other action relative thereto.

**The Finance Committee unanimously recommends the adoption of this article.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*Acceptance of this article will bind the town to pay the documented funeral expenses up to \$15,000 for a police officer or forest firefighter appointed by the town manager who loses his/her life in the line of duty. This does not apply to firefighters who are employees of the Williamstown Fire District which would need to adopt this article at its own annual or special town meeting.*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to adopt Article 26.

There being no discussion, the Moderator declared Article 26 carried by unanimous voice vote.

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### **INCREASE DEMAND FEE FOR OVERDUE TAXES**

**Article 27.** To see if the Town will vote to charge for each written demand issued by the Collector a fee of \$10.00 to be added to and collected as part of the tax, as authorized by G. L. c. 60 s. 15 (2), effective July 1, 2009, or take any other action relative thereto.

**The Finance Committee recommends the adoption of this article by a vote of 8 - 1.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*This article increases the fee for generating a notice of unpaid taxes from \$5.00 to \$10.00. The maximum allowable is \$30.*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to adopt Article 27.

There being no discussion, the Moderator declared Article 27 carried by majority voice vote.

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### **ASSESSOR PARCEL 305-2 “BLAIR LOT”**

**Article 28.** To see if the town will vote to transfer control of assessors parcel 305-2 from the Board of Selectmen as tax title custodians to the Board of Selectmen for purposes of sale; and further to authorize the Board of Selectmen to convey said property to the Massachusetts Department of Fish and Game, Division of Fish and Wildlife, subject to the value set by an independent appraisal and pursuant to such terms and conditions as they deem to be in the best interests of the town, or take any other action relative thereto.

This article requires a 2/3 majority vote to pass.

**The Finance Committee will make its recommendation at town meeting.**

**The Board of Selectmen recommends the adoption of this article by a vote of 3-1.**

*The “Blair Lot” is a 235-acre parcel between routes 7 and 43 taken by the town for taxes in 1952. The Division of Fish and Wildlife has approached the town to purchase the parcel. The vote on this article will constitute the town’s response to that inquiry.*

Proceeding: The Chairman of the Board of Selectmen moved, and it was seconded, the Town vote to adopt Article 28.

Tree Warden Robert McCarthy opposed the sale due to a Forest Management Plan that has brought in \$60,000 in timber.

Robert Hatten spoke in favor of the sale to preserve the land for Waubeeka Springs.

Selectmen Ronald Turbin stated the Division of Fish and Wildlife want the land because they have significant holdings near the Blair lot, and that the land would continue to be used for hunting.

David Dethier stated the site has the best potential for future wind turbines in town.

Nancy Nysten moved, and it was seconded, to table Article 28. The Moderator declared the article tabled with a 2/3rds majority vote of 158 in favor and 32 opposed.

### **EXPAND BOARD OF LIBRARY TRUSTEES FROM 5 TO 7**

**Article 29.** To see if the Town will vote to authorize the Board of Selectmen and the Board of Library Trustees to file legislation with the General Court to increase the membership on the board of trustees of the David and Joyce Milne Public Library from five members to seven members, or take any other action relative thereto.

**The Board of Library Trustees unanimously recommends adoption of this article.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*The Board of Library Trustees would like to expand their membership which was set at five by an act of the legislature in 1994.*

Proceeding: The Chairman of the Board of Selectmen moved, and it was seconded, the Town vote to adopt Article 29.

There being no discussion, the Moderator declared Article 29 carried by majority voice vote.

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### **SIGN BY-LAW AMENDMENT**

**Article 30.** To see if the Town will vote to amend the Code of Williamstown (Sign Bylaw) by adding at the end of Section 53-3.2 B the words italicized below:

- B. One “for sale,” “for rent” or “open house” sign not exceeding six square feet in area, and advertising only the premises on which it is erected; *and directional “OPEN HOUSE” signs placed at the two road intersections nearest to a house for sale, not more than one (1) sign per intersection, erected not more than 24 hours prior to the “open house” event, and removed within two (2) hours after the event.*

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*This amendment allows home sellers and real estate agents to place two signs directing potential buyers to an “open house” the day of the event.*

Proceeding: The Chairman of the Board of Selectmen moved, and it was seconded, the Town vote to adopt Article 30.

A motion was made by Gordon Squire, and seconded to amend the Sign –Law to read as follows:

- B. One “for sale” or “for rent” sign not exceeding six square feet in area, and advertising only the premises on which it is erected as well as an “OPEN HOUSE” sign. A directional “OPEN HOUSE” sign may also be placed at the nearest main two road intersection during the hours when the property is to be shown between the hours of 9AM and 5PM not more than two days each week. No sign may be placed on the north side of Main Street at Cole Ave or at Water Street. Directional “OPEN HOUSE” signs may not be displayed beyond this authorization. In the absence of the Sign Inspector any other Town official shall remove unauthorized signs for referral to Inspection Services.

Following a brief discussion, a motion was made by Barbara Bashevkin, and seconded, to refer proposed amendment by Gordon Squire back to the Sign Commission and Mr. Squires and be brought back next year and at this time to table the article .

The vote to table Article 30 was 87 yes and 69 no , for which it failed for lack of a 2/3 required vote.

The Moderator directed the audience that the discussion may continue on Mr. Squire’s offered amendment.

Following a long discussion, there was motion to “call the question”. The Moderator declared the motion to call the question on the proposed amendment passed by unanimous voice vote.

The Moderator then called for a vote on Mr. Squire’s amendment to the article. He then declared the amendment defeated by majority voice vote.

Discussion was then directed to the original article as printed in the warrant.

Following a discussion regarding clarification of the location of intersections for sign placement, Robert Ware offered the following amendment, which was duly seconded, adding “....one of which is ...”, so that bylaw would read as:

- ”B. One “for sale,” “for rent” or “open house” sign not exceeding six square feet in area, and advertising only the premises on which it is erected; and directional “OPEN HOUSE” signs placed at the two road intersections one of which is nearest to a house for sale, not more than one (1) sign per intersection, erected not more than 24 hours prior to the “open house” event, and removed within two (2) hours after the event.”

The Moderator declared the amendment carried by majority voice vote. He then directed discussion back to the main motion, as amended. A motion was made from the floor to “call the question”, which was carried by unanimous voice vote.

The Moderator then declared Article 30, as amended, carried by majority voice vote.

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### TO ESTABLISH ECONOMIC OPPORTUNITY AREAS

**Article 31.** To see if the Town will vote to designate the Limited Business District, Planned Business District, Tourist Business District, and the Village Business District as defined by the Code of Williamstown Zoning By-law as Economic Opportunity Areas within the Northern Berkshire Economic Target Area, or take any other action relative thereto.

**The Finance Committee unanimously recommends the adoption of this article.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*This article makes state tax advantages available to re-developers of unoccupied properties in any of our business districts.*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to adopt Article 31.

There being no discussion, the Moderator declared Article 31 carried by unanimous voice vote.

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### ZONING BY-LAW AMENDMENT

**Article 32.** To see if the Town will vote to amend the Williamstown Zoning By-Laws, §70 of the Code of the Town of Williamstown as follows:

**Amend §70-3.4 Basic District Special Requirements, by creating a new section, 70-3.4.C:**

**C. Village Business District**

**(1) Spring Street Development Requirements**

- (a) Height Requirements: for properties fronting on Spring Street, height to 50 feet and up to 4 stories is allowed, and may be increased to 60 feet, not to exceed 4 stories on special permit from the Board of Appeals.
- (b) Corner Visibility: Properties fronting on Spring Street are exempt from the corner visibility development requirements of §70-4.2.C
- (c) Stormwater Management: Notwithstanding §70-5.3.B., in the Village Business District, for properties fronting on Spring Street an increase over predevelopment runoff peak is permitted, provided:
  - [1] The system is connected to the municipal stormwater system and;
  - [2] Approval to connect the system has been obtained in writing from the Director of the Department of Public Works
- (d) Mixed Use Development: Properties fronting on Spring Street are permitted to have residential living areas above the first floor, provided that the first floor

is occupied by a non residential use, and are exempted from the requirements  
of § 70-7.1H(2)

**Amend §70-3.1.A. (2) General Requirements by adding a new subsection (c) as follows:**

(c) For the Village Business District: §70-3.4.C, and renumbering the existing subsection (c) to become subsection (d).

**Amend § 70-4.1.B Height Regulations by deleting current section § 70-4.1.B(2) and replacing with a new § 70-4.1.B(2) as follows:** Village Business District. In the Village Business District, building height may be increased to 40 feet. For properties fronting on Spring Street refer to §70-3.4.C(1)(a)

**Amend § 70-6.1.D by deleting the current § 70-6.1.D(1)(b) and replacing with a new § 70-6.1.D(1)(b) as follows:** In the Village Business District, on-street and public off-street parking for properties abutting Spring Street shall be credited to each Spring Street property's off-street parking requirements, according to the Formula for Allocation of Parking in Downtown Williamstown, dated February 24, 2009, located in Appendix A of §70 – Williamstown Zoning Bylaw.

**Amend 70-7.4E (4)(d)[1] “Wellhead Protection District” by deleting current section and replacing with a new 70-7.4E (4)(d)[1] as follows:** [1]Provision shall be made for on-site recharge of all stormwater runoff from impervious surfaces other than roofs unless, in conducting development plan review, the Planning Board determines either (i) that recharge is infeasible because of site conditions, (ii) or that the recharge is undesirable because of uncontrollable risks to water quality from such discharge, or (iii) within the Village Business District, that the runoff is designed to flow to a stormwater sewer and the authority having jurisdiction over said stormwater sewer gives written confirmation and acceptance to the applicant, with a copy filed with the Department of Inspection Services, that the stormwater sewer system is capable of accepting such runoff.

**Amend § 70-4.3 Dimensional Schedule, By deleting current footnote 5, and replacing with a new footnote 5 as follows:** Twenty feet where abutting a residential district, exempting those properties which have frontage on Spring Street. At other locations, may be reduced to zero for party wall or similar construction, provided that satisfactory provisions have been made for access to all parts of the premises for public service and emergency vehicles.

**Amend §70-3.1. General requirements, by deleting the current §70-3.1(B), SPS, and replacing with a new §70-3.1(B), SPS as follows:** SPS: A use permitted as a matter of right, except requiring a special permit from the Board of Appeals if involving drive-in or drive-through facilities, or if the area created on the premises subsequent to May 23, 1989, would exceed the following:  
-- LI, PB or BC District: 20,000 square feet of cumulative gross floor area  
-- VB District: 5,000 square feet of building area

**Amend the definition of “Major Residential Development”, Section 70-9.2 by deleting subsection B, and adding a new subsection B as follows:** “Issuance of building permits for the construction of more than eight dwelling units on premises other than assisted living residence, or in the Cable Mills Redevelopment District, or in the Village Business District or land division noted above.

This article requires a 2/3 majority vote to pass.

**The Planning Board unanimously recommends the adoption of this article.**

**The Finance Committee recommends the adoption of this article by a vote of 8-1.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*This article will allow the Spring Street portion of Village Business to be developed with buildings built higher and closer to parcel boundaries and in a manner which will encourage a more compact, dense, and pedestrian friendly business district.*



Proceeding: The Chairman of the Planning Board moved, and it was seconded, the Town vote to adopt Article 32.

The Planning Board gave a favorable report of the proposed amendment.

Following a brief discussion, the Moderator declared Article 32 carried by unanimous voice vote.

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### **ZONING BY-LAW AMENDMENT**

**Article 33.** To see if the Town will vote to amend the Williamstown Zoning By-Laws, §70 of the Code of the Town of Williamstown as follows:

**Amend the “Zoning District Map of the Town of Williamstown” by:** Rezoning the parcels on the January 1, 2009 Williamstown Assessor’s Atlas labeled Map 131 Lots 9, 8, 17, 18, 28, 33, 34, 35, 36, 37, 38, 39, 40, 110; and Map 130 Lot 114 excepting the northern 130 feet of that parcel; from General Residence 2 to Village Business.

This article requires a 2/3 majority vote to pass.

**The Planning Board unanimously recommends the adoption of this article.**

**The Finance Committee recommends the adoption of this article by a vote of 7-1-1.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

*This article will rezone an area between Spring, Water, and Latham Streets from General Residence 2 to Village Business. This will also include the area occupied by the American Legion and the Spring Street Parking Lot. The area abutting Main Street occupied by the Town Green, Williams College, Williamstown Savings Bank, and the Methodist Church are not included in this proposal and will remain in General Residence.*

Proceeding: The Chairman of the Planning Board moved, and it was seconded, the Town vote to adopt Article 33.

The Planning Board gave a favorable report of the proposed amendment.

Following a long discussion, the Moderator declared Article 33 carried by majority voice vote.

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### **ZONING BOARD OF APPEALS THREE ASSOCIATE MEMBERS**

**Article 34.** To see if the Town will vote to amend the Williamstown Zoning By-Laws, §70 of the Code of the Town of Williamstown as follows:

**Delete the existing §70-8.3.A, and replace with a new §70-8.3.A as follows:**

- A. Establishment. There shall be a Board of Appeals of five members, and three associate members, appointed as provided in G.L. c. 40A §12.

This article requires a 2/3 majority vote to pass.

**The Planning Board unanimously recommends the adoption of this article.**

**The Board of Selectmen recommends the adoption of this article by a vote of 4-0.**

Proceeding: The Chairman of the Planning Board moved, and it was seconded, the Town vote to adopt Article 34.

The Planning Board gave a favorable report of the proposed amendment.

Following a short discussion, the Moderator declared Article 34 carried by unanimous voice vote.

**ADJOURNMENT:** Following a motion that was duly seconded, the Moderator declared the 2009 Annual Town Meeting adjourned at 9:55 PM.

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And you are hereby directed to serve this Warrant by posting attested copies thereof in four or more public places, as well as the United States Post Office within the Town.

Hereof fail not and make return of this Warrant, with your doings to the Town Clerk on or before the time set for holding said meeting.

Jane B. Allen, Chairman  
Richard C. Steege  
Tom Costley  
David A. Rempell  
**Williamstown Board of Selectmen**

**Berkshire, ss:**

**April 17, 2009**

**I hereby certify that I have posted attested copies of the above Warrant in four public places in the Town of Williamstown, and the Post Office at least seven days before said Annual Town Election and Town Meeting.**

**Paul E. Yarter**  
**Constable**

Pursuant to a warrant duly issued and served as required by law, the inhabitants of Williamstown qualified to vote in elections and in Town and State affairs met on Tuesday, 12, 2009 in the Williamstown Elementary School gymnasium at 115 School Street to cast their ballots for candidates. The polls were opened at 7:00 AM by the Town Clerk. The following election workers were sworn to their faithful performance of their duties; Herbert Palmer, Gordon Morrison, Joyce Clark, Marilyn Vince, Eileen Drummond, Doris McNabb, , Gloria Piner, Jean Donati, Marcia Plumb, Nan Goodell, Diane Elias, Jan Livernois, Marcia Sarrouf, Kathy Jones, Evelyn Robinson, Phyllis Wiles Paul Garnish, Donna Burdick and Corydon Thurston. Paul E. Yarter served as Constable.

A total of 16 absentee ballots were requested and of that 6 were not returned. The remaining 10 ballots were processed in the Accuvote.

The polls were closed at 8:00 PM. Upon being sworn to their faithful performance, the following counters and tabulators began their duties; Richard Hamblin, Karen Jolin, Gary Jolin and Sue Hamblin. Irene LeStage and William Barkin. The final results were available at 8:20 PM. The ballots were placed in the boxes, sealed and signed by the member of the Board of Registrars. They were then transported by the Constable to the vault in Town Hall.

Total Williamstown Registered voters: 4,345    Total ballots cast: 220 – 5%

A true record, attest:

Mary Courtney Kennedy  
Town Clerk